

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CSX Transportation, Inc.

Plaintiff

v.

Norfolk Southern Railway Company, *et al.*

Defendants

C.A. No. 2:18-cv-00530-MSD-LDL

**VIRGINIA INTERNATIONAL TERMINALS, LLC’S
MOTION TO QUASH**

Pursuant to Federal Rules of Civil Procedure 26 and 45, Virginia International Terminals, LLC (“VIT”), a non-party to the above-captioned litigation, moves to quash or otherwise modify the subpoena *duces tecum* issued to it in this matter by CSX Transportation, Inc. (“Plaintiff” or “CSX”). Specifically, the subpoena should be quashed for the following reasons: (1) the subpoena did not provide a reasonable time for compliance; (2) compliance with the subpoena would cause an undue burden and expense to VIT based on the overly broad requests for production of documents; and (3) compliance would require the disclosure of privileged, confidential, and proprietary commercial information that belongs to VIT and its customers whose information is subject to certain contractual confidentiality requirements. In support of its Motion, VIT files the accompanying Memorandum in Support.

Dated: January 2, 2020

VIRGINIA INTERNATIONAL TERMINALS, LLC

By: /s/ Edward J. Powers
Of Counsel

Edward J. Powers (VSB No. 32146)
Jennifer L. Eaton (VSB No. 87491)
500 World Trade Center
Norfolk, VA 23510
757.446.8600-telephone
757.446.8670-fascimile
EPowers@vanblacklaw.com
JEaton@vanblacklaw.com
Counsel for Virginia International Terminals, LLC

CERTIFICATE OF SERVICE

I hereby certify that on Thursday, January 02, 2020, a true and accurate copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

On Friday, January 3, 2020, a true and accurate copy of the foregoing will also be served by hand delivery to:

Rob McFarland, Esq. (VSB No. 24021)
Benjamin L. Hatch (VSB No. 70116)
Jeanne E. Noonan (VSB No. 87863)
McGuireWoods
World Trade Center
101 W. Main Street, Suite 9000
Norfolk, VA 23510

/s/ Edward J. Powers